

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTIETH LEGISLATURE

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**TWENTY-FOURTH LEGISLATIVE DAY  
WEDNESDAY, FEBRUARY 3, 2010**

Senate Chamber

President Little called the Senate to order at 11:30 a.m.

Roll call showed all members present except President Pro Tempore Geddes and Senators Andreason and Cameron, absent and excused; and Senators Goedde, Heinrich, Schroeder, and Stegner, absent and formally excused by the Chair.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Erin Griffard, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 2, 2010, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

President Pro Tempore Geddes and Senators Andreason and Cameron were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

February 3, 2010

The JUDICIARY AND RULES Committee reports that [S 1304](#), [S 1305](#), [S 1306](#), [S 1307](#), [S 1308](#), [S 1309](#), and [S 1310](#) have been correctly printed.

DARRINGTON, Chairman

[S 1304](#), [S 1305](#), and [S 1306](#) were referred to the Education Committee.

[S 1307](#) was referred to the Finance Committee.

[S 1308](#) and [S 1309](#) were referred to the Judiciary and Rules Committee.

[S 1310](#) was referred to the Health and Welfare Committee.

February 2, 2010

The TRANSPORTATION Committee reports out [S 1296](#) and [S 1297](#) with the recommendation that they do pass.

MC GEE, Chairman

[S 1296](#) and [S 1297](#) were filed for second reading.

February 1, 2010

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Gary O. Horton to the Sexual Offender Classification Board, term to expire January 1, 2016.

DARRINGTON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 3, 2010

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Joe B. McNeal to the Idaho Commission on Human Rights, term to expire July 1, 2012.

Susan K. Simmons to the Idaho Endowment Fund Investment Board, term to expire April 11, 2013.

MCKENZIE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 2, 2010

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 388](#) with the recommendation that it do pass.

HILL, Chairman

[H 388](#) was filed for second reading.

February 3, 2010

The STATE AFFAIRS Committee reports out [S 1299](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[S 1299](#) was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

Senator Stegner was recorded present at this order of business.

The President announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of J. Phillip Reberger was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Davis, seconded by Senator Lodge, the Gubernatorial appointment of J. Phillip Reberger as a member of the Idaho Judicial Council was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial

appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Thomas J. Hearn was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Jorgenson, seconded by Senator Bock, the Gubernatorial appointment of Thomas J. Hearn as a member of the Sexual Offender Classification Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

In light of the importance of the rededication of our Idaho State Capitol that has been so beautifully renovated and restored over the past two and one half years, and in order to preserve the record of this ceremony, including the eloquent remarks made by our own President Pro Tempore Robert L. Geddes for all posterity, Senator Bair requested that the transcript of the rededication ceremony and program, as amended, be ordered spread upon the pages of the Journal. Senator Bair's request was granted by unanimous consent. The rededication ceremony is below:

Hello, Ladies and Gentleman, I am Lori Otter. Welcome to the Idaho State Capitol. I'd like to introduce today's Master of Ceremonies, a lifelong Idahoan, and chairman of the Idaho Capitol Commission, who has served since its inception in 1998, Andy Erstad.

ANDY ERSTAD: Thank you.

Thank you, First Lady Otter. Welcome everyone! It has been my great pleasure and honor to serve on the Idaho Capitol Commission which was created by the Idaho Legislature. Today, after nearly thirty months of closure for extensive restoration and rehabilitation, I am proud to say we are on-time and on-budget to re-open this one-hundred-year-old building for its second century of service. The Capitol is the largest public works restoration project in Idaho history. We come together today to share with you the finished product that will guarantee greater access for the people to their government as we move into the future. To quote the original architect of the Capitol, John Tourtellotte, "Idaho conceived the idea in 1905 to build a Capitol, which should stand as a monument before the world truly representing the spirit of her commonwealth." Today we renew that vision for future generations.

While the Idaho State Capitol is surrounded by predominantly state-owned buildings, the one exception is St. Michael's Cathedral. Built prior to the Capitol, St. Michael's reminds us of our countless connections to faith in our daily lives. Please help me welcome the Right Reverend, Richard Demarest, Dean of St. Michael's Cathedral, to give us the invocation.

REVEREND DEMAREST:

Fellow citizens, will you now join me as we offer prayer?

Gracious and loving God. You who love justice. You who are judge of all. We stand before You with deep gratitude on this great occasion as citizens of our beloved Idaho as we

rededicate this Capitol, the people's house. We give You thanks, O' Lord, for all who have given themselves for this project. Those who have shared their talents and abilities. Those who have envisioned this restoration and all those who have labored long and hard to bring this project to its completion. On this special day, I ask your blessing, O' God, on all who serve the people of the great state of Idaho. Bless and guide our Governor, our constitutional officers, members of the Idaho State Senate, members of the Idaho House of Representatives, all elected officials, their faithful staff members, their loving families, and all who work for the common good of the people of Idaho. Bless the discussions and deliberations that will take place in this Capitol building, as well as the decisions that will be made by all who inhabit this great place. Through them all and by their work, let Your will be done on earth as it is in Heaven. And would you as fellow citizens join me as we say Amen.

ANDY ERSTAD: Thank you Reverend Demarest.

Silvia Peregrina, a 6th grader and student representative from Whittier Elementary School, will lead us in the Pledge of Allegiance. Silva.

*"I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."*

ANDY ERSTAD: Thank you very much Silvia - fantastic job.

Please welcome Heather Prinzing, who will join us at the podium as we all sing together our national anthem.

*"O! say can you see by the dawn's early light*

*What so proudly we hailed at the twilight's last gleaming?*

*Whose broad stripes and bright stars through the perilous fight,*

*O'er the ramparts we watched were so gallantly streaming?*

*And the rockets' red glare, the bombs bursting in air,*

*Gave proof through the night that our flag was still there.*

*O! say does that star-spangled banner yet wave*

*O'er the land of the free and the home of the brave?"*

ANDY ERSTAD: Thank you Heather, very much.

Three solemn, yet beautiful, rings on the Capitol's bell initiated today's ceremony. I am honored to recognize our special bell ringer, Sergeant First Class, John Carter. A retired member of the Idaho National Guard, he served two tours in Iraq, including one with Idaho's 116th Brigade Combat team, and was severely injured in combat during his second tour. Today, Sergeant Carter is representing all Idaho armed service members both past and present. We, the people of Idaho, are grateful to have those among us as well as those before us willing to make such sacrifices to assure the multitude of liberties we cherish as Idahoans and as Americans.

I would like to recognize some of our special guests. Please wave a hand when you are announced. Idaho's Constitutional Officers, members of the Legislature, members of the Idaho Judiciary, members of the Idaho Congressional Delegation, former Constitutional Officers. I want to give special consideration and welcome to Governor Phil Batt who was instrumental in re-establishing this Capitol Commission in

1998. Welcome current and former Idaho Capitol Commission members. Lastly, the Rededication Celebration Volunteer Committee.

Ladies and Gentlemen, please welcome the Honorable C.L. "Butch" Otter, Governor of the State of Idaho and First Lady, Lori Otter.

#### GOVERNOR OTTER:

Thank you and welcome. Welcome to the reopening of our State Capitol. I was going to repeat much of my history with this building, from my days in the 4th grade, just down the street at St. Joseph's grade school and how we used to come and climb around the building, but I see that it is written in the program

I think as this building is dedicated to the freedom loving people of Idaho, it is most appropriate for us to remember the wise words of a man long ago who spoke to the need for – and the deserving of – freedom. And he said "A people may prefer a free government, but if, from indolence, or carelessness, or cowardice, or want of public spirit, they are unequal to the exertions necessary for preserving it; ... if they can be deluded by the artifices used to cheat them out of that freedom; ... they are more or less unfit for liberty ... and they are unlikely long to enjoy it." (John Stuart Mill) For one hundred years this building behind us has represented the freedom of the people of Idaho. May it represent that for the next hundred years. Thank you so much.

ANDY ERSTAD: Thank you Governor Otter.

Please welcome the Honorable Robert Geddes, President Pro Tempore of the Idaho State Senate.

#### PRESIDENT PRO TEMPORE GEDDES:

Governor Otter, Lieutenant Governor Little, members of the Judiciary, other distinguished guests, and most importantly the citizens of the great State of Idaho. As we have gathered to memorialize and rededicate the work and efforts that, for the last 105 years, established this building as the greatest symbol of the people, by the people, and for the people of our great state, I am honored to represent the Idaho State Senate and humbled to make some brief remarks.

As this expansion and renovation was designed and completed, it was done in a way to honor the historical aspects of this structure, by maintaining the look and the original footprint of the completed 1912 State Capitol, while at the same time providing additional access, safety considerations, and space to allow the citizens of Idaho to feel welcome in comfortable, inviting spaces that inspire participation. We have added modern communication and transmission technology to send information and allow access to the process of government to the far reaches of our state so that every citizen can stay abreast of the information and events that transpire within their statehouse.

The workmanship is exquisite and the sacrifice of the people will be substantial to fund the magnitude of this project. I give my appreciation to those who have provided such quality craftsmanship, and to those who spent time designing and supervising the work along the way. I especially would like to thank and recognize the work of the Idaho Capitol Commission and legislators, especially Senator Joe Stegner and Representative Scott Bedke, who chaired the committee that made the decisions to ensure that this building remains so beautiful and functional.

Idaho is a wonderfully large and diverse state. This capitol structure is the common bond that ties us and unites us together.

Thank you for participating today and sharing this great milestone in Idaho's history. May this symbol endure as a reflection of our state's sovereignty, our independence, and our freedom. May God bless Idaho.

ANDY ERSTAD: Thank you Senator Geddes.

If you would please now join me in welcoming the Honorable Lawrence Denney, Speaker of the House of Representatives of Idaho, thank you.

#### SPEAKER LAWRENCE DENNEY:

Fellow citizens of the State of Idaho. The House of Representatives is pleased to welcome each of you to today's Capitol rededication ceremony for the people's house. Today marks the beginning of a new era in Idaho's historic Capitol Building. Eighty-nine years ago a dedication ceremony was held in this same location to celebrate the completion of construction of this very building. Like today, the Capitol was then opened to the public for their first view of this beautiful structure that represents the spirit of Idaho's citizens. Over the years this has been the site of many momentous decisions that have affected the citizens of Idaho. Those who came before us dealt with the same issues that we are grappling with today - like recessions, funding of state programs, and state budgets in both good and lean years. Over time we have seen many Idaho citizens serve as legislators, governors, and in other government positions. As we enter into this new era, many of the young people standing here today will be the next generation to work in this magnificent Capitol and make their mark on Idaho's history. Somewhere down the road, another fine group of people will be brought together to complete the next step in the history of this building. I have little doubt that when historians look back at today, they will remark about the fact that this Capitol has been the site of countless debates over policy issues and state budget challenges, but in the end the problems have been dealt with and the state has moved forward. That has been true in the past and it will continue to be true in the future. Idaho's citizens can take pride in this beautiful historic building, the people's house. Thank you and again welcome.

ANDY ERSTAD: Thank you Speaker Denney.

Third generation architect Charles Hummel has a strong connection to the Idaho State Capitol. His grandfather and namesake, Charles Hummel, together with his business partner John Tourtellotte, designed many prominent buildings in the region. But their crowning achievement is this marvelous building we stand before today. Please welcome, Charles Hummel.

#### CHARLES HUMMEL:

Ninety years ago our Capitol, when it was completed in 1920, provided rooms for nearly all of Idaho's government. And as a building, it was state of the art. Since then, with the growth of Idaho, the responsibilities of our state's offices and the demands on the Legislature have significantly increased. So it was evident, some time ago, that the Capitol itself had to be enlarged and that it had ceased to be a state-of-the-art facility. Beautiful restoration with the garden level enlargement that we celebrate today is a perfect response to those demands. We have maintained the Capitol as the people's house, a workplace in an inspirational setting. And it fulfills the dream of John Tourtellotte, its designer, that it be flooded with light, the light that is a symbol of the conscience and the spirit of our people. Thank you.

ANDY ERSTAD: Thank you, Charles, for your great remarks and reflections.

The following groups were critical in the renovation and restoration of the Capitol; CSHQA Architects and Engineers, Lemley 3D/I, Jacobsen Hunt Joint Venture, McAlvain Construction, Hummel Architects, and the Idaho Division of Public Works project team. Many more businesses plus thousands of workers spent nearly three years working to restore, rehabilitate, and enhance the people's house so it will stand for another century as the foremost symbol of democracy and sovereignty in the State of Idaho.

Two Idahoans, Dr. Paul Aitken and Neysa Jensen have created a special world-premier musical tribute for today's ceremony. Paul Aitken is the award-winning composer and director of music at the Cathedral of the Rockies and Neysa Jensen is the Idaho poet whose beautiful words became the lyrics for this composition. Performing this original piece of celebration music is the 25th Army Band under the direction of Chief Warrant Officer Kevin Durfee and the Capitol Celebration Chorus made up of over 250 talented Idaho voices from the Boise Master Chorale, the Cathedral of the Rockies, the Epworth and Chancel Choirs, and the music department students of Boise, Borah, Capitol, Frank Church, and Timberline High Schools. Composer Paul Aitken will now conduct "Under Eternal Sky".

*Under Eternal Sky*

*by Neysa CM Jensen*

*Chorus:*

*Our Land and Love!*

*A wilderness vast*

*Under Eternal Sky.*

*Our Land and Love!*

*These people of heart*

*In Idaho.*

*Verse:*

*Sawtooth craggled peaks*

*Soar under eternal sky*

*Ancient granite forms*

*A monument forever.*

*Waters of No-Return*

*Roll down through legends.*

*Stories sing through*

*The pines and canyons*

*Echoing eagle calls.*

*Chorus:*

*Our Land and Love!*

*A wilderness vast*

*Under Eternal Sky.*

*Our Land and Love!*

*These people of heart*

*In Idaho.*

*Verse:*

*Wolf howls,*

*Hawk's piercing shrieks.*

*Sockeye streaks red,*

*Heron on glassy water.*

*Star-blazing garnet,*

*Loud in its silence.*

*Lakes deep as Earth*

*Shimmer with life.*

*Chorus:*

*Our Land and Love!*

*A wilderness vast*

*Under Eternal Sky.*

*Our Land and Love!*

*These people of heart*

*In Idaho.*

*Our Land and Love!*

ANDY ERSTAD: Wasn't that an amazing treat? Thank you Dr. Aitken, Neysa, and Choir. That was fabulous, absolutely fabulous.

The activities associated with this event and the reopening of the Capitol could not have happened without the assistance of thousands of people. Let me recognize and thank the sponsors for their generous donations, as well as the hundreds of volunteers who have helped to bring this celebration to fruition. To my right are many of our sponsors and throughout the Capitol Building you will find many of our volunteers. We could not have done it without you! You will find a list of the Ceremony Sponsors at the end of your program.

Before we sing "Here We Have Idaho" and in preparation of us entering the people's house, I would like to have Governor and Mrs. Otter join me for a brief presentation. Please accept this symbolic key to the Idaho Capitol Building. The inscription on the key reads:

"Presented to Governor C.L. "Butch" Otter by the Idaho Capitol Commission to Commemorate the Restoration and Rededication of the Idaho State Capitol Building, January 9, 2010"

And the back of the key reads:

"This key was made from the Red Oak tree planted by President Benjamin Harrison May 8, 1891"

GOVERNOR OTTER: Thank you.

I now declare the Capitol Building officially open to conduct the people's business!

*"Here We Have Idaho"*

*And here we have Idaho*

*Winning her way to fame.*

*Silver and gold in the sunlight blaze,  
and romance lies in her name.  
Singing, we're singing of you,  
Ah, proudly too,  
All our lives thru, we'll go  
Singing, singing of you,  
Singing of Idaho.*

**Elected Officials**

Governor C.L. "Butch" Otter  
Lieutenant Governor Brad Little  
Secretary of State Ben Ysursa  
State Controller Donna M. Jones  
State Treasurer Ron Crane  
Attorney General Lawrence G. Wasden  
Superintendent of Public Instruction Tom Luna

**State Senate Leadership:**

President Pro Tempore Robert L. Geddes  
Majority Leader Bart M. Davis  
Assistant Majority Leader Joe Stegner  
Majority Caucus Chair, Russell Fulcher  
Minority Leader Kate Kelly  
Assistant Minority Leader Elliot Werk  
Minority Caucus Chair Edgar Malepeai

**State House of Representatives Leadership:**

Speaker of the House Lawrence Denney  
Majority Leader Mike Moyle  
Assistant Majority Leader Scott Bedke  
Majority Caucus Chair Ken Roberts  
Minority Leader John Rusche  
Assistant Minority Leader James Ruchti  
Minority Caucus Chair William Killen

**Idaho Supreme Court:**

Chief Justice Daniel T. Eismann  
Justice Roger S. Burdick  
Justice Jim Jones  
Justice Warren Jones  
Justice Joel D. Horton

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

**S 1311  
BY TRANSPORTATION COMMITTEE  
AN ACT**

RELATING TO MOTOR VEHICLE REGISTRATION;  
AMENDING SECTION 49-432, IDAHO CODE, TO REVISE  
PROVISIONS RELATING TO A CERTAIN PERMIT AND  
COMBINATION OF VEHICLES.

[S 1311](#) was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

[SCR 113](#), by McGee, was read the second time at length and filed for third reading.

[S 1287](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[H 418](#), by Appropriations Committee, was read the second time at length and filed for third reading.

[S 1302](#), by Finance Committee, was read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:10 p.m. until the hour of 11:30 a.m., Thursday, February 4, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary